

R.I. STATE BOARD OF ELECTIONS

MINUTES OF MEETING

THURSDAY, JULY 23, 2015

The Rhode Island State Board of Elections convened at 3:35 P.M. at the Rhode Island Board of Elections, a quorum included, Chairman Richard Pierce, Vice Chairman William West, Commissioners Stephen Erickson, Rhoda Perry and Frank Rego. Executive Director Robert Kando and Legal Counsel Raymond Marcaccio were also in attendance.

The meeting was called to order by Chairman Pierce.

1. The Board voted to certify the mail ballots for the North Smithfield Non-Partisan Town Council Special Election held on July 7, 2015. Voting to certify the mail ballots were Chairman Richard Pierce, Vice Chairman William West, Commissioners Stephen Erickson, Rhoda Perry and Frank Rego, all voting in the affirmative, vote passed 5-0.
2. The Board voted to approve the minutes of the meeting of June 25, 2015. Voting to approve were Chairman Richard Pierce, Vice Chairman William West, Commissioners Stephen Erickson, Rhoda Perry and Frank Rego, all voting in the affirmative, vote passed 5-0.
3. Elections Director Rob Rock of the Office of the Secretary of State gave a report of the purchasing of new voting equipment. Rob Rock reported that a task force has been formed and they will be meeting next week. He will attend monthly Board of Election meetings to keep the board up to date with the progress and that staff members from the Board of Elections are part of the task force.
4. After a lengthy discussion regarding the recently enacted statute 17-19-21.1 polling place bake sales. The Board voted that it should modify the Board of Elections "Rules and regulations for polling place conduct" regarding bake sales. Voting to modify the regulation were, Chairman Richard Pierce, Vice Chairman William West, Commissioners Stephen Erickson, Rhoda Perry and Frank Rego, vote passed 5-0.
5. The Board discussed the process of mail ballot certification for local elections and communication with local boards about election status. The Board also discussed the conduct during the July 7, 2015 North Smithfield Non-Partisan Town Council Special Election. The Board voted to have the Town of North Smithfield Solicitor appear at the next Board meeting to explain how the Town Charter supersedes state law regarding the swearing in of an elected official prior to the certification of mail ballots by the Board. Voting in favor of the hearing were, Chairman Richard Pierce, Vice Chairman William West, Commissioners Stephen Erickson, Rhoda Perry and Frank Rego, vote passed 5-0.

6. Richard Thornton, Director of Campaign Finance reported on fine waivers and appeals. He explained there was a criteria that he adhered to when determining the reduction or waiver of fines. He also stated that no favoritism was noted in a recent audit report. The Board then voted that Campaign Finance should develop a detailed report on all waivers and fines. In addition, the Board requested Campaign Finance to prepare a report going back 1 year, detailing the waivers and reductions that were granted or denied. Voting to approve the new report were, Chairman Richard Pierce, Vice Chairman William West, Commissioners Stephen Erickson, Rhoda Perry and Frank Rego, vote passed 5-0.
7. Executive Director Robert Kando reported that the staff was preparing new regulations to address 2015 legislative revisions.
8. Executive Director Robert Kando reported that he had polled all staff members on the use of private e-mail accounts and reminded them that using their private e-mail accounts for Board of Election business is prohibited. Mr. Kando then stated that current technology does not allow e-mails to be deleted and provides back up files for future reference.
9. Executive Director Robert Kando presented to the Board the summary of the Legislative Bills for the Board of Elections as well as new campaign finance legislation and the proposed legislative changes for the Board of Elections. The Board discussed the need to testify in the future on Board of Elections legislation.
10. A motion was made to meet in executive session pursuant to R.I. General Laws § 42-46-5(a)(7) for each of the following items:

To discuss personnel matters arising from the May 29, 2014 report of Board counsel and status of assignments, pursuant to R.I.G.L. § 42-46-5(a)(1).

Pursuant to R.I.G.L. 42-46-5(a)(2) to discuss and/or vote on *Andreza Skipworth v. Rhode Island Board of Elections, et al.*, RICHR # 15ERA087-06/06.

Pursuant to R.I.G.L. 42-46-5(a)(4) to discuss and/or vote on an investigation regarding allegations of criminal misconduct.

Pursuant to R.I.G.L. §42-46-5(a)(2) to discuss and/or vote on litigation pending in Providence County Superior Court, *State Board of Elections v. Leon Tejada*, C.A. No. PC-2011-5795.

Pursuant to R.I.G.L. § 42-46-5(a)(1) to discuss and possibly vote upon a personnel matter.

Voting to meet in executive session were Chairman Richard Pierce, Vice Chairman William West, Commissioners Stephen Erickson, Rhoda Perry and Frank Rego, all voting in the affirmative, vote passed 5-0. Board left to meet in executive session at 4:45 P.M.

Chairman Richard Pierce called for the Board meeting to resume at 6:15 P.M. Commissioner Rhoda Perry did not return after the executive session.

A vote was made to seal the minutes of the Executive Session. Chairman Richard Pierce, Vice Chairman William West, Commissioners Stephen Erickson and Frank Rego all voting in the affirmative, vote passed 4-0. Minutes were sealed.

Pursuant to R.I.G.L. §42-46-5(a)(2) a vote on the litigation pending in Providence County Superior Court, *State Board of Elections v. Leon Tejada*, C.A. No. PC-2011-5795. The Board voted to a settlement of \$1,000.00 in addition to the \$550.00 previously paid by Leon Tejada. Chairman Richard Pierce, Vice Chairman William West, Commissioners Stephen Erickson and Frank Rego, all voting in the affirmative, vote passed 4-0.

A motion was made to adjourn. Chairman Richard Pierce, Vice Chairman William West, Commissioners Stephen Erickson and Frank Rego, all voting in the affirmative, motion passed 4-0. Meeting adjourned at 6:18 P.M.